

REMARKS

Applicants have carefully studied the outstanding Official Action. The present amendment is intended to be fully responsive to all points of rejection and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the present application are hereby respectfully requested.

The Official Action refers to the claims numbered in the PCT Published Patent Application and not according to the Preliminary Amendment which is on file in this case which canceled original claims 1-39 and replaced them with similar claims 40-78.

The response to the Official Action assumes that the claim numbering used in the Official Action was in error and refers to the numbering of the claims according to the Preliminary Amendment.

Claims 40-78 were examined.

Claims 48, 52-61, 63, 74, 75, 79-82 have been canceled.

Claims 40, 42, 46, 49, 62, 68 and 76 have been amended.

New claims 83 and 84 have been added.

Claims 40-47, 49-51, 62, 64-73, 76-78, 83, 84 are now pending in the application.

Claims 40-44, 46-48, 50-61 and 68-75 stand rejected under 35 U.S.C. 102(e) as being anticipated by Lei et al. (US 2005/0075093).

Claims 45 and 60 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lei, et al. in view of Trossen, et al. (US 2004/0111476).

Claims 49, 62-67 and 76-78 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lei, et al. in view of Antilla, et al. (US 2004/0198279).

The Examiner's rejections are respectively traversed.

presentation-format of at least a portion of the content for display by the at least one recipient in the personalized presentation-format; and then

(c) transmitting the personalized MMS message to the at least one targeted recipient.

Therefore, claim 40 includes the limitations of receiving an MMS message prepared by a creator of the MMS message and then applying personalized metadata to the prepared MMS message.

In contrast, Lei et al. describes receiving an SMS and creating a personalized MMS based on the received SMS.

In fact, Lei explicitly states that the MRG 130 does not receive an MMS message for personalization in para. 30 as follows:

"It should be appreciated that in the foregoing examples, the full message travels only through the network from MRG 130 to the receiving user device or devices (e.g. user device 12-1 and user device 12-n), and not all the way from the sending user device (user device 11-1) to the receiving user devices."

Therefore, Lei does not describe receiving an MMS message prepared by a creator of the message and then applying personalized metadata to the prepared MMS message.

Therefore, it is respectfully submitted that claim 40 is patentable.

The above arguments also apply to claim 68 and it is therefore respectfully submitted that claim 68 is patentable.

It is also respectfully submitted that the dependent claims of claim 40 (claims 41-47, 49-51) and the dependent claims of claim 68 (claims 69-73) are also therefore patentable.

Claims 62-67, 76-78

Claims 62-67 and 76-78 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lei, et al. in view of Antilla, et al. (US 2004/0198279).

While continuing to traverse the Examiner's rejections, and without in any way prejudicing the patentability of the rejected claims, Applicants have, in order to expedite the prosecution and for clarity purposes, chosen to amend claims 62 and 76 and cancel claim 63.

The amendments to claims 62 and 76 are supported by the PCT Published Patent Application, inter-alia, on page 22 line 26 and page 24 lines 2-7.

By way of introduction, claim 62 is directed towards a method for employing a personalized MMS message to create and display an electronic content guide (ECG) in a communication appliance, the method comprising:

- (a) receiving the personalized MMS message by the communication appliance; then
- (b) processing personalized metadata associated with the personalized MMS message by the communication appliance to generate personalized parameters determining a format of presentation of at least a portion of content comprised in or associated with the personalized MMS message; then
- (c) employing at least some of the personalized parameters by the communication appliance to create a personalized structure of the ECG; and
- (d) displaying the personalized ECG by the communication appliance.

It is important to note that claim 62 describes steps performed by a communication appliance and not by the messaging system. The MMS received by the communication appliance is already personalized.

The Official Action rejected claim 62 as obvious based on Lei in view of Antilla.

First we will discuss Antilla.

Antilla shows an ECG being displayed on a mobile device. The ECG may be received by way of an MMS. However, Antilla does not describe the mobile device performing any personalization processing based on the MMS. It appears that the received MMS of Antilla is simply displayed as it was received.

Therefore, we now turn to discuss Lei.

In Lei, an SMS is received by the MRG 130 (as described above) and not an MMS. A personalized MMS is created by the MRG 130 and sent to the user device(s). MRG 130 is not an end user device and does not display messages, e.g. it does not include the step of "displaying the personalized ECG". Additionally, Lei does not describe the MRG 130 creating a personalized ECG.

Therefore, at least two of the steps of claim 62 are not performed by the MRG 130 of Lei.

Therefore, it is respectfully submitted that the MRG 130 of Lei does not read on claim 62.

Additionally, as the MRG 130 of Lei is a dispatcher device and the mobile device of Antilla is an end-user device, it would not be logical to combine the individual steps performed by the MRG 130 of Lei with the mobile device of Antilla in order to read on claim 62 which refers to a communication appliance (which is also an end-user device).

The user devices 12-n of Lei may include displaying MMSs. However, the user devices 12-n of Lei do not appear to include processing personalized metadata associated with the personalized MMS message to generate personalized parameters determining a format of presentation of at least a portion of content comprised in or associated with the personalized MMS message and then employing at least some of the personalized parameters by the communication appliance to create a personalized structure of the ECG.

In fact, Lei does not appear to describe personalization processing of the received MMS by the user devices 12-n.

Therefore, at least two of the steps of claim 62 are not performed by the user devices 12-n of Lei.

Therefore, it is respectfully submitted that the user devices 12-n of Lei do not read on claim 62.

Additionally, the steps performed by the user devices 12-n of Lei and the steps performed by the mobile device of Antilla do not in combination read on the steps of the method of claim 62.

Therefore, it is respectfully submitted that claim 62 is patentable.

The above arguments also apply to claim 76 and it is therefore respectfully submitted that claim 76 is patentable.

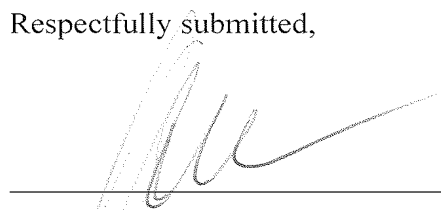
It is also respectfully submitted that the dependent claims of claim 62 (claims 64-67) and the dependent claims of claim 76 (claims 77 and 78) are also therefore patentable.

Claims 83 and 84

New claims 83 and 84 are system claims in means plus function form corresponding to claims 68 and 76, respectively.

In view of the above amendments and remarks it is respectfully submitted that the claims are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Clifford J. Mass', is written over a horizontal line.

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